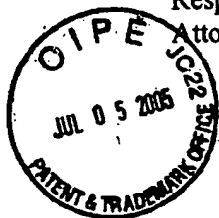


Application No.: 10/789,166
Response to Office Action of March 08, 2005
Attorney Docket: Bradj-011B

Free purpose only



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicants:	John R. Brady)	Confirmation No.	9924
)		
Serial No.:	10/789,166)	Art Unit:	2859
)		
Filed:	Feb. 27, 2004)	Examiner:	Smith,
)		Richard A
For:	Transparent Measuring Device With)		
	Seam Allowance Guide)		

RESPONSE TO OFFICE ACTION

Mail Stop Amendment—Fee
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Dear Sir:

In response to the Final Office Action of March 08, 2004, please amend the above-identified application as follows:

07/13/2005 VBROWN2 00000002 194330 10789166
01 FC:2201 300.00 DA

purpose of the raised rib is to facilitate total reflection of the incident light beam, it appears that the width of the raised ribs will be too large to render an accurate measurement of the underlying object. If the raised ribs are made thin enough in order to obtain accurate measurement of the underlying object, what appears at the upper surface of the graduated rule will be very fine light strips spaced with each other by dark areas. That is, the user hardly see anything underlying the graduated rule, such that the measurement cannot be performed using such graduated rule.

There is thus no reasonable expectation of success of the combination of Lin, Kerry, Sr., Vitek et al. and Fisher; and therefore, the rejection over Claims 43-45, 48 and 49 are respectfully traversed.

Claims 43-45, 48 and 49 were rejected under the judicially created doctrine of obviousness-type double patenting as being unpatentable over Claims 3 and 8 of U.S. Patent No. 6,799,379.

A terminal disclaimer is respectfully submitted as attached. The rejections over Claims 43-45, 48 and 49 are thus overcome.

In view of the foregoing, the application is believed to be in condition for allowance. Entry of the amendments and issuance of a Notice of Allowance is therefore respectfully requested. Should the Examiner have any suggestions for expediting allowance of the application, please contact applicant's representative at the telephone number listed below. If any additional fee is required, please charge Deposit Account Number 19-4330.

Respectfully submitted,

Date: 6/30/05 By: 

Customer No.: 007663

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PTO/SB/26 (10-00)
Approved for use 10/31/2002. OMB 0651-0031

U.S. Patent and Trademark Office: U.S. DEPARTMENT OF COMMERCE

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**TERMINAL DISCLAIMER TO OBVIATE A DOUBLE PATENTING
REJECTION OVER A PRIOR PATENT**

Docket Number (Optional)

BRADJ-011B

In re Application of: John R. Brady

Application No.: 10/789,166

Filed: Feb. 27, 2004

For: Transparent Measuring Device With Seam Allowance Guide

The owner*, John R. Brady of 100 percent interest in the instant application hereby disclaims, except as provided below, the terminal part of the statutory term of any patent granted on the instant application, which would extend beyond the expiration date of the full statutory term defined in 35 U.S.C. 154 to 156 and 173, as presently shortened by any terminal disclaimer, of prior Patent No. 6,799,379. The owner hereby agrees that any patent so granted on the instant application shall be enforceable only for and during such period that it and the prior patent are commonly owned. This agreement runs with any patent granted on the instant application and is binding upon the grantee, its successors or assigns.

In making the above disclaimer, the owner does not disclaim the terminal part of any patent granted on the instant application that would extend to the expiration date of the full statutory term as defined in 35 U.S.C. 154 to 156 and 173 of the prior patent, as presently shortened by any terminal disclaimer, in the event that it later: expires for failure to pay a maintenance fee, is held unenforceable, is found invalid by a court of competent jurisdiction, is statutorily disclaimed in whole or terminally disclaimed under 37 CFR 1.321, has all claims canceled by a reexamination certificate, is reissued, or is in any manner terminated prior to the expiration of its full statutory term as presently shortened by any terminal disclaimer.

Check either box 1 or 2 below, if appropriate.

1. ☐ For submissions on behalf of an organization (e.g., corporation, partnership, university, government agency, etc.), the undersigned is empowered to act on behalf of the organization.

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

2. ☒ The undersigned is an attorney or agent of record.


Signature

6/30/05
Date

KIT M. STETINA
Typed or printed name

- ☐ Terminal disclaimer fee under 37 CFR 1.20(d) included.

WARNING: Information on this form may become public. Credit card information should not be included on this form. Provide credit card information and authorization on PTO-2038.

*Statement under 37 CFR 3.73(b) is required if terminal disclaimer is signed by the assignee (owner).
Form PTO/SB/98 may be used for making this certification. See MPEP § 324.

Burden Hour Statement: This form is estimated to take 0.2 hours to complete. Time will vary depending upon the needs of the individual filer. 07/13/2005 09:00:00 AM 10789166
the amount of time you are required to complete this form should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, Washington, DC 20231. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Assistant Commissioner for Patents, Box 600, Application, Washington, DC 20231.

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PATENT APPLICATION FEE DETERMINATION RECORD					Application or Docket Number 10/789166	
Substitute for Form PTO-875						
APPLICATION AS FILED – PART I						
(Column 1)		(Column 2)		SMALL ENTITY		OR
OTHER THAN SMALL ENTITY						
FOR	NUMBER FILED	NUMBER EXTRA	RATE (\$)	FEE (\$)	RATE (\$)	FEE (\$)
BASIC FEE (37 CFR 1.16(a), (b), or (c))						
SEARCH FEE (37 CFR 1.16(k), (l), or (m))						
EXAMINATION FEE (37 CFR 1.16(o), (p), or (q))						
TOTAL CLAIMS (37 CFR 1.16(i))		minus 20 =	X	=	OR	X
INDEPENDENT CLAIMS (37 CFR 1.16(h))		minus 3 =	X	=	OR	X
APPLICATION SIZE FEE (37 CFR 1.16(s))	If the specification and drawings exceed 100 sheets of paper, the application size fee due is \$250 (\$125 for small entity) for each additional 50 sheets or fraction thereof. See 35 U.S.C. 41(a)(1)(G) and 37 CFR 1.16(s).					
MULTIPLE DEPENDENT CLAIM PRESENT (37 CFR 1.16(j))						
* If the difference in column 1 is less than zero, enter "0" in column 2.			TOTAL		TOTAL	

APPLICATION AS AMENDED – PART II												
		(Column 1)		(Column 2)		(Column 3)		SMALL ENTITY		OR	OTHER THAN SMALL ENTITY	
AMENDMENT A		CLAIMS REMAINING AFTER AMENDMENT		HIGHEST NUMBER PREVIOUSLY PAID FOR		PRESENT EXTRA		RATE (\$)	ADDITIONAL FEE (\$)		RATE (\$)	ADDITIONAL FEE (\$)
	Total (37 CFR 1.16(i))	65	Minus	65	=		X 25 =		OR	X 50 =		
	Independent (37 CFR 1.16(h))	6	Minus	3	=	3	X 100 =	300.00	OR	X 200 =		
	Application Size Fee (37 CFR 1.16(s))									OR		
	FIRST PRESENTATION OF MULTIPLE DEPENDENT CLAIM (37 CFR 1.16(j))							180	/	OR	360	
						TOTAL ADD'L FEE	300.00		OR	TOTAL ADD'L FEE		
AMENDMENT B		CLAIMS REMAINING AFTER AMENDMENT		HIGHEST NUMBER PREVIOUSLY PAID FOR		PRESENT EXTRA		RATE (\$)	ADDITIONAL FEE (\$)		RATE (\$)	ADDITIONAL FEE (\$)
	Total (37 CFR 1.16(i))		Minus		=		X	=	OR	X	=	
	Independent (37 CFR 1.16(h))		Minus		=		X	=	OR	X	=	
	Application Size Fee (37 CFR 1.16(s))									OR		
	FIRST PRESENTATION OF MULTIPLE DEPENDENT CLAIM (37 CFR 1.16(j))									OR		
						TOTAL ADD'L FEE			OR	TOTAL ADD'L FEE		

- * If the entry in column 1 is less than the entry in column 2, write "0" in column 3.
- ** If the "Highest Number Previously Paid For" IN THIS SPACE is less than 20, enter "20".
- *** If the "Highest Number Previously Paid For" IN THIS SPACE is less than 3, enter "3".

The "Highest Number Previously Paid For" (Total or Independent) is the highest number found in the appropriate box in column 1.

This collection of information is required by 37 CFR 1.16. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 12 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

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